

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Latvala offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 212.0606, Florida Statutes, is amended to
 8 read:

9 212.0606 Rental car surcharge.—

10 (1) Except as provided in subsection (2), a surcharge of
 11 \$2 per day or any part of a day is imposed upon the lease or
 12 rental of a motor vehicle licensed for hire and designed to
 13 carry fewer than nine passengers regardless of whether the motor
 14 vehicle is licensed in this state. The surcharge applies to only
 15 the first 30 days of the term of a lease or rental. The
 16 surcharge is subject to all applicable taxes imposed by this

Amendment No.

17 chapter. For purposes of this subsection, the term "rental of a
18 motor vehicle" means the renting or leasing of a motor vehicle
19 when the rental or lease is facilitated, in person or through
20 digital means, by a motor vehicle rental company as defined in
21 s. 320.01(47), a car-sharing service as defined in s.
22 320.01(46), or a peer-to-peer car sharing program as defined in
23 s. 320.01(48) for consideration without transfer of the title of
24 the motor vehicle.

25 (2) A member of a car-sharing service as defined in
26 320.01(46) who uses a motor vehicle as described in subsection
27 (1) for less than 24 hours pursuant to an agreement with the
28 car-sharing service shall pay a surcharge of \$1 per usage. A
29 member of a car-sharing service who uses the same motor vehicle
30 for 24 hours or more shall pay a surcharge of \$2 per day or any
31 part of a day as provided in subsection (1). ~~For purposes of~~
32 ~~this subsection, the term "car-sharing service" means a~~
33 ~~membership-based organization or business, or division thereof,~~
34 ~~which requires the payment of an application or membership fee~~
35 ~~and provides member access to motor vehicles:~~

36 ~~(a) Only at locations that are not staffed by car-sharing~~
37 ~~service personnel employed solely for the purpose of interacting~~
38 ~~with car-sharing service members;~~

39 ~~(b) Twenty-four hours per day, 7 days per week;~~

Amendment No.

40 ~~(c) Only through automated means, including, but not~~
41 ~~limited to, smartphone applications or electronic membership~~
42 ~~cards;~~

43 ~~(d) On an hourly basis or for a shorter increment of time;~~

44 ~~(e) Without a separate fee for refueling the motor~~
45 ~~vehicle;~~

46 ~~(f) Without a separate fee for minimum financial~~
47 ~~responsibility liability insurance; and~~

48 ~~(g) Owned or controlled by the car-sharing service or its~~
49 ~~affiliates.~~

50
51 The surcharge imposed under this subsection does not apply to
52 the lease, rental, or use of a motor vehicle from a location
53 owned, operated, or leased by or for the benefit of an airport
54 or airport authority.

55 (3) A peer-to-peer car-sharing program as defined in
56 320.01(48) or a motor vehicle rental company as defined in
57 320.01(47) which rents a motor vehicle as described in
58 subsection (1) for less than 24 hours must pay a surcharge of \$1
59 per usage.

60 (4)~~(3)~~(a) Notwithstanding s. 212.20, and less the costs of
61 administration, 80 percent of the proceeds of this surcharge
62 shall be deposited in the State Transportation Trust Fund, 15.75
63 percent of the proceeds of this surcharge shall be deposited in
64 the Tourism Promotional Trust Fund created in s. 288.122, and

Amendment No.

65 4.25 percent of the proceeds of this surcharge shall be
66 deposited in the Florida International Trade and Promotion Trust
67 Fund. For the purposes of this subsection, the term "proceeds of
68 this surcharge" ~~of the surcharge~~ means all funds collected and
69 received by the department under this section, including
70 interest and penalties on delinquent surcharges. The department
71 shall provide the Department of Transportation rental car
72 surcharge revenue information for the previous state fiscal year
73 by September 1 of each year.

74 (b) Notwithstanding any other provision of law, the
75 proceeds deposited in the State Transportation Trust Fund shall
76 be allocated on an annual basis in the Department of
77 Transportation's work program to each department district,
78 except the Turnpike District. The amount allocated to each
79 district shall be based on the amount of proceeds attributed to
80 the counties within each respective district.

81 ~~(5)(4)~~ Except as provided in this section, the department
82 shall administer, collect, and enforce the surcharge as provided
83 in this chapter.

84 (a) For purposes of this subsection, the term "dealer"
85 means a motor vehicle rental company as defined in s.
86 320.01(47), a car-sharing service as defined in s. 320.01(46),
87 or a peer-to-peer car sharing program as defined in s.
88 320.01(48).

Amendment No.

89 ~~(b)(a)~~ The department shall require dealers to report
90 surcharge collections according to the county to which the
91 surcharge was attributed. For purposes of this section, the
92 surcharge shall be attributed to the county where the rental
93 agreement was entered into.

94 ~~(c)(b)~~ Dealers who collect the rental car surcharge shall
95 report to the department all surcharge revenues attributed to
96 the county where the rental agreement was entered into on a
97 timely filed return for each required reporting period. The
98 provisions of this chapter which apply to interest and penalties
99 on delinquent taxes apply to the surcharge. The surcharge shall
100 not be included in the calculation of estimated taxes pursuant
101 to s. 212.11. The dealer's credit provided in s. 212.12 does not
102 apply to any amount collected under this section.

103 ~~(6)(5)~~ The surcharge imposed by this section does not
104 apply to a motor vehicle provided at no charge to a person whose
105 motor vehicle is being repaired, adjusted, or serviced by the
106 entity providing the replacement motor vehicle.

107 Section 2. Subsections (46), (47), and (48) are added to
108 section 320.01, Florida Statutes, to read:

109 320.01 Definitions, general.—As used in the Florida
110 Statutes, except as otherwise provided, the term:

111 (46) "Car-sharing service" means a membership-based
112 organization or business, or division thereof, which requires

Amendment No.

113 the payment of an application fee or a membership fee and
114 provides member access to motor vehicles:

115 (a) Only at locations that are not staffed by car-sharing
116 service personnel employed solely for the purpose of interacting
117 with car-sharing service members;

118 (b) Twenty-four hours per day, 7 days per week;

119 (c) Only through automated means, including, but not
120 limited to, smartphone applications or electronic membership
121 cards;

122 (d) On an hourly basis or for a shorter increment of time;

123 (e) Without a separate fee for refueling the motor
124 vehicle;

125 (f) Without a separate fee for minimum financial
126 responsibility liability insurance; and

127 (g) Owned or controlled by the car-sharing service or its
128 affiliates.

129 (47) "Motor vehicle rental company" means any entity who
130 is in the business of providing motor vehicles to the public
131 under a rental agreement for a period of 30 days or less for
132 consideration.

133 (48) "Peer-to-peer car-sharing program" means a business
134 platform that connects vehicle owners with drivers to enable the
135 renting of vehicles for financial consideration.

136 Section 3. Section 320.0605, Florida Statutes, is amended
137 to read:

719845 - h1111-strike.docx

Published On: 3/25/2019 6:02:34 PM

Amendment No.

138 320.0605 Certificate of registration; possession required;
139 exception.—

140 (1) (a) The registration certificate or an official copy
141 thereof, a true copy or an electronic copy of rental or lease
142 documentation issued for a motor vehicle or issued for a
143 replacement vehicle in the same registration period, a temporary
144 receipt printed upon self-initiated electronic renewal of a
145 registration via the Internet, or a cab card issued for a
146 vehicle registered under the International Registration Plan
147 shall, at all times while the vehicle is being used or operated
148 on the roads of this state, be in the possession of the operator
149 thereof or be carried in the vehicle for which issued and shall
150 be exhibited upon demand of any authorized law enforcement
151 officer or any agent of the department, except for a vehicle
152 registered under s. 320.0657. The provisions of this section do
153 not apply during the first 30 days after purchase of a
154 replacement vehicle. A violation of this section is a
155 noncriminal traffic infraction, punishable as a nonmoving
156 violation as provided in chapter 318.

157 (b)1. The act of presenting to a law enforcement officer
158 or agent of the department an electronic device displaying an
159 electronic copy of rental or lease documentation does not
160 constitute consent for the officer or agent to access any
161 information on the device other than the displayed rental or
162 lease documentation.

719845 - h1111-strike.docx

Published On: 3/25/2019 6:02:34 PM

Amendment No.

163 2. The person who presents the device to the officer or
164 agent assumes liability for any resulting damage to the device.

165 (2) Rental or lease documentation that is sufficient to
166 satisfy the requirement in subsection (1) includes the
167 following:

168 (a) ~~Date of rental and time of exit from rental facility;~~

169 (b) ~~Rental station identification;~~

170 ~~(c) Rental agreement number;~~

171 (c) Rental vehicle identification number;

172 (d) Rental vehicle license plate number and state of
173 registration;

174 (e) Vehicle's make, model, and color;

175 (f) Vehicle's mileage; and

176 (g) Authorized renter's name.

177 Section 4. Section 322.38, Florida Statutes, is amended to
178 read:

179 322.38 Renting motor vehicle to another.—

180 (1) A No person may not shall rent a motor vehicle to any
181 other person unless the other latter person is ~~then~~ duly
182 licensed, ~~or, if a nonresident, he or she shall be licensed~~
183 under the laws of the state or country of his or her residence,
184 except a nonresident whose home state or country does not
185 require that an operator be licensed.

186 (2) A No person may not shall rent a motor vehicle to
187 another until he or she has inspected the driver license of the

Amendment No.

188 person to whom the vehicle is to be rented, and ~~has compared and~~
189 verified that the driver license is unexpired ~~signature thereon~~
190 ~~with the signature of such person written in his or her~~
191 presence.

192 (3) Every person renting a motor vehicle to another shall
193 keep a record of the registration number of the motor vehicle so
194 rented, the name and address of the person to whom the vehicle
195 is rented, the number of the license of said latter person, and
196 ~~the date and place when and where the said~~ license was issued.
197 Such record shall be open to inspection by any police officer,
198 or officer or employee of the department.

199 (4) If a motor vehicle is rented to a person through
200 digital, electronic, or other means that allow the renter to
201 obtain possession of the motor vehicle without direct contact
202 with an owner or agent or an employee of an entity owning the
203 vehicle, or if the renter does not execute a rental contract at
204 the time that he or she takes possession of the vehicle, it must
205 be deemed that the requirements of subsections (1) and (2) are
206 met when, at the time the renter enrolls in a membership
207 program, master agreement, or other means of establishing use of
208 the motor vehicle through a motor vehicle rental company as
209 defined in s. 320.01(47) or peer-to-peer car-sharing program as
210 defined in s. 320.01(48), or any time thereafter, the renter is
211 required to verify that he or she is duly licensed and that the
212 license is unexpired.

719845 - h1111-strike.docx

Published On: 3/25/2019 6:02:34 PM

Amendment No.

213 Section 5. Section 331.17, Florida Statutes, is created to
214 read:

215 331.17 Transportation services at airports.—In order to
216 facilitate the provision of service on the property of a
217 publicly owned airport that is open for public use, a motor
218 vehicle rental company as defined in 320.01(47), a car-sharing
219 service as defined in s. 320.01(46), or a peer-to-peer car-
220 sharing program defined in s 320.01(48) must enter an agreement
221 with the airport to provide such services.

222 Section 6. This act shall take effect July 1, 2019.

223

224

225

226

T I T L E A M E N D M E N T

227

228

229

230

231

232

233

234

235

236

237

Remove everything before the enacting clause and insert:
An act relating to vehicles for rent or lease; amending s.
212.0606, F.S.; defining the term "rental of a motor vehicle";
requiring a member of a certain car-sharing service who uses a
motor vehicle for less than a specified period of time pursuant
to an agreement with the car-sharing service to pay a specified
surcharge per usage; deleting a definition; requiring that a
certain peer-to-peer car-sharing program or motor vehicle rental
company pay a specified surcharge per usage; defining the term
"dealer"; amending s. 320.01, F.S.; defining terms; amending s.
320.0605, F.S.; authorizing an electronic copy of certain rental

Amendment No.

238 or lease documentation to be in the possession of the vehicle
239 operator or carried in the vehicle and to be exhibited upon
240 demand of any authorized law enforcement officer or any agent of
241 the Department of Highway Safety and Motor Vehicles; providing
242 that the act of presenting a certain electronic device to the
243 officer or agent does not constitute consent for the officer or
244 agent to access any information on the device other than the
245 displayed rental or lease documentation; providing for
246 assumption of liability for any resulting damage to the device;
247 revising requirements for rental or lease documentation;
248 amending s. 322.38, F.S.; prohibiting a person from renting a
249 motor vehicle to another person unless he or she has verified
250 that the renter's driver license is unexpired; requiring that a
251 person renting a motor vehicle to another person keep a record
252 of the place where the renter's license was issued; providing
253 that, under certain circumstances, specified requirements are
254 deemed met when a renter is required at certain times to verify
255 that he or she is duly licensed and that the license is
256 unexpired; creating s. 331.17, F.S.; requiring a motor vehicle
257 rental company, car-sharing service, or a peer-to-peer car-
258 sharing program to enter an agreement with certain publicly
259 owned airports for certain purposes; providing an effective
260 date.

719845 - h1111-strike.docx

Published On: 3/25/2019 6:02:34 PM